

103^D CONGRESS
2^D SESSION

S. 1458

AMENDMENT

In the House of Representatives, U. S.,

June 26, 1994.

Resolved, That the bill from the Senate (S. 1458) entitled “To amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause, and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “General Aviation Revi-*
3 *talization Act of 1994”.*

4 ***SEC. 2. TIME LIMITATIONS ON CIVIL ACTIONS AGAINST AIR-***
5 ***CRAFT MANUFACTURERS.***

6 *(a) IN GENERAL.—Except as provided in subsection*
7 *(b), no civil action for damages for death or injury to per-*
8 *sons or damage to property arising out of an accident in-*
9 *volving a general aviation aircraft may be brought against*
10 *the manufacturer of the aircraft or the manufacturer of any*
11 *new component, system, subassembly, or other part of the*
12 *aircraft, in its capacity as a manufacturer if the accident*
13 *occurred—*

14 *(1) after the applicable limitation period begin-*
15 *ning on—*

1 (A) the date of delivery of the aircraft to its
2 first purchaser or lessee, if delivered directly
3 from the manufacturer; or

4 (B) the date of first delivery of the aircraft
5 to a person engaged in the business of selling or
6 leasing such aircraft; or

7 (2) with respect to any new component, system,
8 subassembly, or other part which replaced another
9 component, system, subassembly, or other part origi-
10 nally in, or which was added to, the aircraft, and
11 which is alleged to have caused such death, injury, or
12 damage, after the applicable limitation period begin-
13 ning on the date of completion of the replacement or
14 addition.

15 (b) *EXCEPTIONS.*—Subsection (a) does not apply—

16 (1) if the claimant pleads with specificity the
17 facts necessary to prove, and proves, that the manu-
18 facturer with respect to a type certificate or air-
19 worthiness certificate for, or obligations with respect
20 to continuing airworthiness of, an aircraft or a com-
21 ponent, system, subassembly, or other part of an air-
22 craft knowingly misrepresented to the Federal Avia-
23 tion Administration, or concealed or withheld from
24 the Federal Aviation Administration, required infor-
25 mation that is material and relevant to the perform-

1 *ance or the maintenance or operation of such aircraft,*
2 *or the component, system, subassembly, or other part,*
3 *that is causally related to the harm which the claim-*
4 *ant allegedly suffered;*

5 *(2) if the person for whose injury or death the*
6 *claim is being made is a passenger for purposes of re-*
7 *ceiving treatment for a medical or other emergency;*

8 *(3) if the person for whose injury or death the*
9 *claim is being made was not aboard the aircraft at*
10 *the time of the accident; or*

11 *(4) to an action brought under a written war-*
12 *ranty enforceable under law but for the operation of*
13 *this Act.*

14 *(c) GENERAL AVIATION AIRCRAFT DEFINED.—For the*
15 *purposes of this Act, the term “general aviation aircraft”*
16 *means any aircraft for which a type certificate or an air-*
17 *worthiness certificate has been issued by the Administrator*
18 *of the Federal Aviation Administration, which, at the time*
19 *such certificate was originally issued, had a maximum seat-*
20 *ing capacity of fewer than 20 passengers, and which was*
21 *not, at the time of the accident, engaged in scheduled pas-*
22 *senger-carrying operations as defined under regulations in*
23 *effect under the Federal Aviation Act of 1958 (49 U.S.C.*
24 *App. 1301 et seq.) at the time of the accident.*

1 (d) *RELATIONSHIP TO OTHER LAWS.*—*This section su-*
2 *persedes any State law to the extent that such law permits*
3 *a civil action described in subsection (a) to be brought after*
4 *the applicable limitation period for such civil action estab-*
5 *lished by subsection (a).*

6 **SEC. 3. OTHER DEFINITIONS.**

7 *For purposes of this Act—*

8 (1) *the term “aircraft” has the meaning given*
9 *such term in section 101(5) of the Federal Aviation*
10 *Act of 1958 (49 U.S.C. 1301(5));*

11 (2) *the term “airworthiness certificate” means*
12 *an airworthiness certificate issued under section*
13 *603(c) of the Federal Aviation Act of 1958 (49 U.S.C.*
14 *1423(c)) or under any predecessor Federal statute;*

15 (3) *the term “limitation period” means—*

16 (A) *15 years with respect to piston-powered*
17 *general aviation aircraft and the components,*
18 *systems, subassemblies, and other parts of such*
19 *aircraft;*

20 (B) *18 years with respect to turboprop-pow-*
21 *ered general aviation aircraft and the compo-*
22 *nents, systems, subassemblies, and other parts of*
23 *such aircraft; and*

24 (C) *22 years with respect to other general*
25 *aviation aircraft (including jet-powered general*

1 aviation aircraft) and the components, systems,
2 subassemblies, and other parts of such aircraft;
3 and

4 (4) the term “type certificate” means a type cer-
5 tificate issued under section 603(a) of the Federal
6 Aviation Act of 1958 (49 U.S.C. 1423(a)) or under
7 any predecessor Federal statute.

8 **SEC. 4. EFFECTIVE DATE; APPLICATION OF ACT.**

9 (a) *EFFECTIVE DATE.*—Except as provided in sub-
10 section (b), this Act shall take effect on the date of the enact-
11 ment of this Act.

12 (b) *APPLICATION OF ACT.*—This Act shall not apply
13 with respect to civil actions commenced before the date of
14 the enactment of this Act.

Attest:

Clerk.